

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE**

TEXTRON INNOVATIONS INC.,)
)
Plaintiff,)
) C. A. No. 05-486 (GMS)
v.)
) **JURY TRIAL DEMANDED**
THE TORO COMPANY,)
)
Defendant.)

AMENDED NOTICE OF VIDEOTAPED DEPOSITION OF JIM BERKELEY

PLEASE TAKE NOTICE that Defendant, The Toro Company, will take the deposition by oral examination of Jim Berkeley commencing on **Friday, February 9, 2007**, beginning at **9:00 a.m.** at the offices of Merchant & Gould, 901 - 15th Street N.W., Suite 850, Washington, D.C. 20005 or at some other place mutually agreed upon by counsel.

Said deposition will be taken by stenographic and videographic means before a notary public and will continue from day to day as necessary until completed.

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Dated: February 5, 2007
776267/29362

Attorneys for Defendant The Toro Company

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CERTIFICATE OF SERVICE

I, David E. Moore, hereby certify that on February 5, 2007, the attached document was electronically mailed and hand delivered to the following persons and was electronically filed with the Clerk of the Court using CM/ECF which will send notification to the registered attorney(s) of record that the document has been filed and is available for viewing and downloading:

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I hereby certify that on February 5, 2007, I have Electronically Mailed and Federal Expressed the documents to the following:

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